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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/255,297	02/22/99	STOUTENBOROUGH	E 70165-164

PM82/0718

WALTER E ZIMMERMAN  
FOLEY & LARDNER  
FIRSTAR CENTER  
777 EAST WISCONSIN AVENUE  
MILWAUKEE WI 53202-5367

EXAMINER

WALSH, J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED:

07/18/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/255,297

Applicant(s)

STOUTENBOROUGH ET AL.

Examiner

John B. Walsh

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2000.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-38,41-85 and 87-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-85,90 and 91 is/are allowed.
- 6) ☒ Claim(s) 1,18-26,28-31,43-46,48 and 92 is/are rejected.
- 7) ☒ Claim(s) 3-17,27,32-38 and 47 is/are objected to.
- 8) ☒ Claims 87-89 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
  2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
  3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- ✓2. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 recites the limitation "the second input device" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 18, 19, 22, 24, 25, 28-31, 43-46 and 92 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. Re. 26,677 to Russell et al.

Russell et al. '677 discloses a base lock member (18); a first input device (85); an activation device (46); a secondary lock member (16); the base lock member is movable between a first position and a second position in response to actuation of the first input device (column 3, lines 59-63) and the base lock member is prevented from moving from the first position to the second position when the activation device is not activated (if 46 is not activated to move from the locked to the unlocked position it prevents movement); secondary lock member is a deadbolt

Art Unit: 3629

(column 3, line 50); first input device is handle (figure 2); a second input device is a handle (figure 2, 87) ; the activation device prevents movement of the secondary lock member when the activation device is not activated (the secondary lock member will not move without activation of the activation device; column 3, lines 50-63).

As concerns claim 92, a base lock member (16); a secondary lock member (18); a first input device (46); the secondary lock member is prevented from substantial movement when the secondary lock member is in the locked position (column 3, lines 50-63; secondary lock member will not move if in locked position and the base lock member can also be in the locked position at this time.)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20, 21, 23, 26, 41, 42, 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Re. 26,677 to Russell et al. as taught above.

As concerns the limitations that the base lock member is a deadbolt and the secondary lock member is an extension bolt are seen as obvious design choices since it is well known in the art to use either deadbolts or extension bolts for latching (see cited art).

As concerns the limitations of that the first input device is a thumb turn and the activation device is a button are seen as obvious design choices since it is well known in the art to use either thumb turns or buttons for actuating an element.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 18-26, 28-31, 43-46, 48 and 92 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

8. Claims 49-85, 90 and 91 are allowed.

9. Claims 3-17, 27, 32-38 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

JW  
July 16, 2000

  
LYNNE H. BROWNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3620